

Amendment No. 820

Senate Amendment to Senate Bill No. 267 First Reprint	(BDR 19-461)
Proposed by: Senate Committee on Finance	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the unfunded mandate from S.B. 267 R1.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BAW



Date: 5/29/2021

S.B. No. 267—Establishes provisions relating to the collection and reporting of information concerning diversity and equality in the workplace.
(BDR 19-461)



SENATE BILL NO. 267—SENATOR SPEARMAN

MARCH 17, 2021

Referred to Committee on Judiciary

SUMMARY—~~[Establishes provisions relating to the collection and reporting of information]~~ Authorizes the University of Nevada, Las Vegas, to conduct a study concerning diversity and equality in the workplace. (BDR ~~[19-461]~~) S-461

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~~[CONTAINS UNFUNDED MANDATE (§§ 6, 7)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to workplace diversity; ~~[requiring the Department of Taxation to develop in consultation with the Legislative Commission]~~ authorizing the University of Nevada, Las Vegas, to conduct a study concerning diversity and equality in the workplace and to conduct a survey to collect data and information concerning diversity and equality in the workplace from ~~[corporations and state and local governmental agencies in this State; authorizing corporations in this State to use the survey to submit annual reports to the Department of Taxation and to make such reports available on their Internet websites; requiring local governmental agencies to use the survey to submit annual reports to the Department of Taxation; requiring state governmental agencies to use the survey to submit annual reports to the Division of Human Resource Management of the Department of Administration; requiring the Department of Taxation to make the survey, the annual reports submitted to the Department of Taxation and aggregate data relating to such reports available on its Internet website; requiring the Division to make the annual reports submitted to the Division and aggregate data relating to such reports available on its Internet website; requiring the Department of Taxation and the Division to each submit an annual report to the Governor and the Director of the Legislative Counsel Bureau and make such reports available on their Internet websites; authorizing the Department of Taxation and the Division to adopt regulations;]~~ certain business entities and state and local governmental agencies in this State; revising the prospective expiration of an existing survey of

businesses conducted by the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to design and conduct an annual survey of businesses in this State to collect data and information pertaining to issues of gender equality in the workplace; however, the provisions relating to the survey are currently only effective through December 31, 2022. (NRS 75A.400-75A.430; section 7 of chapter 434, Statutes of Nevada 2017, at page 2896) This bill ~~establishes provisions concerning an annual survey of corporations and state and local governmental agencies in this State with regard to issues of diversity and equality in the workplace.~~

~~— Section 6 of this bill requires the Department of Taxation to develop, in consultation with the Legislative Commission, a survey to be used to collect data and information relating to issues of diversity and equality in the workplace from corporations and state and local governmental agencies in this State. Section 6 sets forth the information to be provided in the survey and requires the survey to be signed by an officer of the corporation or his or her designee, or the director, executive head or other person who is responsible for the state or local governmental agency or his or her designee, as applicable, who is authorized to complete the survey on behalf of the corporation or state or local governmental agency.~~

~~— Section 7 of this bill: (1) authorizes corporations to use the survey developed by the Department to submit an annual report to the Department and, if the corporation has an Internet website, to make the annual reports available on the website, with any personally identifiable information redacted; and (2) requires local governmental agencies to use the survey developed by the Department to submit an annual report to the Department.~~

~~— Section 8 of this bill requires the Department to make available on its Internet website: (1) the survey developed by the Department; (2) the annual reports submitted by corporations and local governmental agencies; and (3) aggregate data relating to the annual reports. Section 8 requires that any personally identifiable information contained in a report must be redacted before the report or aggregate data relating to the report is posted on the website of the Department. Section 9 of this bill requires the Department to compile annually the information contained in the reports submitted to the Department into one report and submit the report to the Governor and the Director of the Legislative Counsel Bureau. Section 10 of this bill authorizes the Department to adopt regulations to carry out the provisions of sections 6-9 of this bill.~~

~~— Section 10.2 of this bill requires state governmental agencies to use the survey developed by the Department to submit an annual report to the Division of Human Resource Management of the Department of Administration. Section 10.4 requires the Division to make available on its Internet website: (1) the annual reports submitted by state governmental agencies; and (2) aggregate data relating to the annual reports. Section 10.4 requires that any personally identifiable information contained in a report must be redacted before the report or aggregate data relating to the report is posted on the website of the Division. Section 10.6 of this bill requires the Division to compile annually the information contained in the reports submitted to the Division into one report and submit the report to the Governor and the Director of the Legislative Counsel Bureau. Section 10.8 of this bill authorizes the Division to adopt regulations to carry out the provisions of sections 10.2-10.6 of this bill.~~

~~— Section 13 of this bill makes a conforming change to exclude the information redacted from reports in sections 8, 9, 10.4 and 10.6 from the provisions of existing law relating to public records.] : (1) authorizes the University of Nevada, Las Vegas, to conduct a study concerning diversity and equality in the workplace and to conduct a survey to collect data and information from certain business entities and state and local governmental agencies in this State; and (2) revises the prospective expiration of the existing provisions of law relating to the annual survey of businesses conducted by the Secretary of State by making those provisions expire by limitation on December 31, 2021, instead of on December 31, 2022.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 16 of this bill and replace with the following new sections 1 through 6:

Section 1. As used in this act:

1. "Business entity" means a corporation, partnership, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company or holding company that is required to pay an annual commerce tax pursuant to chapter 363C of NRS.

2. "Entity" means a business entity, local governmental agency or state governmental agency.

3. "Local governmental agency" has the meaning ascribed to it in NRS 242.061.

4. "State governmental agency" has the meaning ascribed to the term "state agency" in NRS 237.350 and includes, without limitation, the Nevada System of Higher Education and all institutions operated by the System.

5. "UNLV" means the University of Nevada, Las Vegas.

Sec. 2. 1. UNLV may elect to conduct a study concerning diversity and equality in the workplace. If UNLV elects to conduct the study:

(a) UNLV must conduct a survey for the purpose of collecting data and information concerning diversity and equality in the workplace, including, without limitation, data and information specifically relating to women and women of color, from business entities that do business in this State, state governmental agencies and local governmental agencies; and

(b) A business entity, state governmental agency or local governmental agency may elect to complete the survey and submit it to UNLV.

2. If UNLV elects to conduct the study, the survey conducted by UNLV must request the entity completing the survey to provide, without limitation, the following information, as applicable to the entity:

(a) The name of the entity.

(b) The number of employees of the entity who are:

(1) Located in this State.

(2) Women located in this State.

(3) Women of color located in this State.

(c) The number of people in the entity who are:

(1) If the entity is a corporation:

(I) On the board of directors.

(II) Women who are on the board of directors.

(III) Women of color who are on the board of directors.

(IV) Employed in an executive position.

(V) Women who are employed in an executive position.

(VI) Women of color who are employed in an executive position.

(2) Women.

(3) Women of color.

(d) The number of:

(1) People who are employed in a management position.

(2) Women who are employed in a management position.

(3) Women of color who are employed in a management position.

(e) Whether the entity has employee development initiatives in place for administrative or skilled staff who are interested in advancing their career paths, including, without limitation, tuition reimbursement, professional development, payment for conferences, business interest groups or a public commitment to gender inclusion.

(f) Whether the entity has undertaken a pay equity analysis and, if so, whether the results indicated that there were any discernable differences in pay.

(g) With regard to the 20 highest-paid people in the entity as determined by salary, bonuses and any other incentives, such as stock options, the number of those people who are:

(1) Women.

(2) Women of color.

(h) With regard to the hiring practices of the entity, whether the entity:

(1) Participates in diversity job fairs.

(2) Has a diverse hiring committee.

(3) Assesses the skill sets of candidates without regard to gender.

(4) Uses gender-neutral job descriptions.

(i) With regard to the issue of anti-harassment, including, without limitation, sexual harassment, whether the entity:

(1) Has an anti-harassment policy in place.

(2) Offers formal anti-harassment training.

(j) With regard to cultural training, whether the entity provides training relating to diversity and inclusion and, if so, whether such training includes specific training regarding:

(1) Implicit bias.

(2) Unconscious bias.

(3) Microaggressions.

(4) Fostering an inclusive environment.

(5) Improving engagement.

(k) With regard to workplace policies and benefits:

(1) Whether the entity offers:

(I) Employer-paid family leave and, if so, the number of weeks offered.

(II) Variable work schedules for caregivers.

(III) Options to work from home.

(IV) On-site child care, off-site child care or employer-paid child care subsidies.

(2) Whether there are any policies or benefits the entity is currently pursuing but has not yet implemented and, if so, a list of such policies or benefits.

(l) With regard to health care, whether the entity's policies cover:

(1) Birth control.

(2) Maternity.

(3) In vitro fertilization.

(m) The number and types of positions within the entity that are currently vacant.

(n) The rate of attrition within the entity.

➤ A completed survey must be signed by a person who is authorized to complete the survey on behalf of the entity.

3. As used in this section:

1 (a) "Executive position" means a position in which a person is employed as
2 a vice president, senior vice president or executive vice president or in a role
3 that is superior to such positions.

4 (b) "Management position" means a position in which a person is
5 employed as a manager or in a role that is superior to a manager.

6 (c) "Pay equity analysis" means a formal study regarding equity in
7 salaries.

8 (d) "Woman" means a person who self-identifies as a woman, without
9 regard to the person's designated sex at birth.

10 (e) "Woman of color" means a woman who self-identifies as Black,
11 African-American, Hispanic, Latino, Asian, Pacific Islander, Native American,
12 Native Hawaiian or Alaska Native.

13 Sec. 3. If UNLV elects to conduct the study pursuant to section 2 of this
14 act:

15 1. To assist UNLV in facilitating outreach to business entities that do
16 business in this State and encouraging participation in the survey, the
17 Department of Taxation shall provide to UNLV information about the identity
18 of business entities in this State and the contact information for such business
19 entities. The Department shall not, pursuant to this subsection, provide to
20 UNLV or to any other person any information relating to a business entity
21 other than the name of the business entity and its contact information. Any
22 information provided by the Department pursuant to this subsection is not a
23 public record for the purposes of chapter 239 of NRS.

24 2. The provisions of NRS 360.255 do not apply to any records or files of
25 the Department or other information or data that is obtained, maintained or
26 disclosed by the Department pursuant to this section.

27 Sec. 4. If UNLV elects to conduct the study pursuant to section 2 of this
28 act:

29 1. UNLV must:

30 (a) Submit annual reports relating to the results of the survey to the
31 Governor and to the Director of the Legislative Counsel Bureau for
32 transmittal to the Legislature or, if the Legislature is not in session, to the
33 Legislative Commission; and

34 (b) Make such periodic reports available on its Internet website.

35 2. UNLV shall not include any personally identifiable information in a
36 report submitted to the Governor and the Director of the Legislative Counsel
37 Bureau pursuant to this section.

38 Sec. 5. Section 7 of chapter 434, Statutes of Nevada 2017, at page 2896, is
39 hereby amended to read as follows:

40 Sec. 7. This act becomes effective on July 1, 2017, and expires by
41 limitation on December 31, ~~2022~~ 2021.

42 Sec. 6. 1. This section and section 5 of this act become effective upon
43 passage and approval.

44 2. Sections 1 to 4, inclusive, of this act become effective:

45 (a) Upon passage and approval for the purpose of performing any
46 preparatory administrative tasks that are necessary to carry out the provisions
47 of this act; and

48 (b) On January 1, 2022, for all other purposes.

49 3. Sections 1 to 4, inclusive, of this act expire by limitation on January 1,
50 2026.